

1869-011 Chancery Cause: Joel S. Cox vs Heirs of Jeremiah Skaggs &  
Lee Co.

Andis, Shelton, Burke, Scagg, Burk, Burns

1 Plat

CA-Contract Dispute  
T-Property



Virginia Lee County Court Court

To the worshipful Justices of the Lee County Court  
in chancery sitting, your orator Joel A. Gore, humbly  
complaining respectfully represents to your worships, that  
one Jeremiah Skeggs in his lifetime owned in Leesville  
and was in the possession of a tract of about 200 acres of  
Land situate lying in Lee County in or near Tyocum Station  
Since his death known & called by the name of the home tract  
this Land he derived title to by a deed from his father  
John Skeggs to him, and by a deed from Tobias Penington  
and wife, copies of which in due time will be filed as  
a part of this Bill. By which it will more fully, and  
at large appear, he also owned other Lands known as  
Hobbs, that he had not paid for, and to which he never  
had no deed, this Land is known as the home tract, and  
is called & is known as the Hobbs tract, this latter  
Land is not in controversy in this suit, your orator  
charges that Jeremiah Skeggs died intestate in this  
County on the day of 18 and his lands  
descended to Sarah J. Shelton late Skeggs, who has  
intermarried with Fleming F. Shelton, Martha  
Ann Burk, late Skeggs who intermarried with Stephen  
Burk, Polly Skeggs, John Skeggs, Manerva  
Skeggs, Rebecca Skeggs and Elizabeth Skeggs, they  
his children, it was however included with the share  
of his widow Mornan Skeggs, she has now intermarried  
with John Andrews, all the children are infants  
Mess Shelton, Mess Burk is married, but she intermar-  
ried with an infant also, he further represents  
that John Skeggs Sr. Samuel Burk, and John  
Andrews, were appointed and qualified the guar-  
dians of the infants, the orders of the Court.



appointing them guardians are referred to & copies thereof  
will be filed in due time & when so filed are paid to  
be taken & considered parts of this Bill, the guardian  
has took possession of the whole lands as such  
guardians and have rented them out from year to  
year ever since taking Bonds for the rents to  
themselves & perhaps have collect a part of the rents.  
your orator further charges, that on the day of  
1856 Fleming & Shelton and his wife Sarah  
& Shelton for the consideration of \$350, paid to them  
by your orator sold him their undivided interest  
in that part of the Lands known & called the home  
tract, and have since conveyed it to him by a  
deed which will be filed in due time & when so  
filed is prayed to be taken & considered a part  
of this Bill, notwithstanding your orator being legally  
invested with the right to one full seventh  
part of the said tract, and the said guardians  
in a notice of it, they have wholly failed to divide  
said land and have for two years rented  
the whole land & took Bonds to themselves as  
guardians of the infants for the rent, and  
are holding & claiming the same as due their share  
wards or as a part of their estate, notwithstanding  
your orator has for two years been the owner of  
an equal seventh part of the whole of said  
land, your orator rented a part one year his  
at \$25, and gave his Bond to the guardians, hoping  
thereby to get his own, but said guardians  
took your orator's Bond payable to them for it  
and have collected in repairs done by your orator  
on the place \$8, and will unjustly collect the

residue unless restrained from doing so, your  
orator further charges that he is entitled to have paid  
one of said lands and have laid off to him  
one full seventh part of said land, and to  
an account of the rents & profits accruing out  
of the home tract ever since he bought the same  
yet his co-tenants and their guardians, and  
will do fail & refuse to make partition thereof  
with him, and account to & pay him his just  
proportion of the rents, but on the contrary still  
go on and rent the whole tract & take Bonds  
to themselves for the rents, and claim that  
they have the right & will ~~not~~ apply the whole  
rent to the payment of a balance of purchase  
money they say Jeremiah Steggs owns a full  
share in the above tract, never has been assigned  
to the widow, your orator owns other lands  
adjoining to the Jeremiah Steggs home tract  
aforesaid, he is remediless at law & can only  
obtain relief in equity, he prays your worship  
to grant him relief, he prays for partition  
to be made of said land amongst those  
entitled thereto and that his share thereof  
being one seventh be laid off out of it &  
allotted to him of the lands adjoining  
your orator's other lands, that an account be taken  
of the rents and profits accruing out of  
the home tract, since your orator bought  
Shelton & wife's interest and that the  
guardians be ordered & decreed to pay the  
same over to your orator, he prays for all  
such general relief as his case merits in Equity.



Burns pg

Admiral Sir George Keppel &

	28
7.126	5-00
"	5-00
Oct.	7.00
Cash	\$2.00
Mfg.	3.00
Total	106.59



To the worshipful County Court of Lee  
County.

The answer of Henry J. Morgan Guardian  
ad litem for, Martha Ann Burk, Steph-  
en Burk, Polly Skeggs, John Skeggs  
Mamerva Skeggs, Rebeca Skeggs & Elizabeth  
Skeggs infant heirs of Jeremiah Skeggs  
deceased to the Bill in chancery filed  
in your honorable court against them  
& others by Joel S. Cox, These respondents  
by their said guardian answering say  
they have no doubt but the complain-  
ant is entitled to the relief prayed  
for, and that it would be to the inter-  
est of these defendants to set once, clear  
partition of the lands sought by the  
Bill to be divided. But they are infants  
& as such legally incapable to take  
care of their rights. But the court of  
chancery whose peculiar favorite they  
are, will take care of, uphold and  
inforce their rights. They therefore through  
& by their said guardian commit their  
rights & interests in the premises to the  
provident care of the court, who the law  
has wisely committed it to, and ask  
the Court to do in the premises what  
soever may appear to their interests  
to be done, having fully answered &c  
they pray to be hence dismissed &c  
H. J. Morgan



H. J. Morgan  
vs Guardian  
of infants

Juel S Cox

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Aug. Answer of Guardian  
ad litem filed by leave of  
the court.



Jed S Cox complainant

VS

Final Decree

Jeremiah Scogg heirs et als defts

This cause came on to be heard on the Bill & exhibits, former decree of the court & commissioners report and being argued by counsel, and the court being sufficiently advised, now finally decrees & orders, It appears to the satisfaction of the court that the commissioners appointed by a former decree of the court to divide the lands of Jeremiah Scogg deceased among his heirs, and to take an account of rents & improvements, has made a division & allotment amongst those entitled thereto and has taken an account, a report of which they filed on the 19<sup>th</sup> of Oct 1868 and no Exceptions being taken or filed the said action of the said commissioners in the premises is approved by this court & their report confirmed. It is now finally adjudged & decreed, that Dixon, S. Litton take and hold in Severally the Lot of the said Land Laid out & allotted to him, it being the part owned by Shelton & wife & conveyed by them to the complainant Cox and by him conveyed to the said Dixon, S. Litton & by his order Decreed & allotted to said Litton. It is further adjudged & decreed that Martin Ann Burk take and hold in Severally with all & singular the appurtenances the Lot of said Land laid out to



her, and it is adjudged & decreed, that Polly  
Seegs take and hold in severally the lot of  
Land laid off & allotted to her, with all its appur-  
tenances, and that John Seegs take and  
hold in severally the lot of land laid out and  
allotted to him, with its appurtenances, and that  
Minerva Seegs take and hold in severally the  
lot of Land laid out & allotted to her  
with its appurtenances, and that Rebeca Seegs  
take and hold in severally the lot of land laid  
out & allotted to her with its appurtenances, and  
that Elizabeth Seegs take & hold in severally the  
lot of Land laid out & allotted to her. It is further  
adjudged decreed & ordered that the complement  
reaver of John Seegs Guardian de But for the use  
of Dixon & Litton \$40.99 that being the one seventh  
of the rents for 1867 & 1868 after deducting the one seventh  
of the value of the improvements, \$25.28 its of said  
Sum of \$40.99 is to bear interest from the 1st  
day of March 1868, and for which the said Jf  
for the use of said Litton may have execution  
and \$15.71 its of said Sum of \$40.99 is to bear  
interest from the 1st of March 1869, after  
which time execution may issue therefor  
if not paid, it is further adjudged decreed  
& ordered that the clerk of this Court Tax  
the costs herein which the said parties  
are ordered to pay in due & equal  
proportions, that is each one of the

parties owning a share of said Land divided  
is to pay one seventh part of the costs &  
expenses of this suit & the disbursement of  
said Land, the parties are hence dis-  
missed & this cause is struck from  
the docket.



Isabel S. Cox  
vs  $\frac{3}{2}$  Finales  
Decree

A. Seegs heirs et al.

V.B. 369.

Recorded Deed Book  
No 15 p 642.

St. J. Morgan C. C.



Joel S Cox complainant

vs

Jeremiah Skeggs heirs & others, defts

order

This cause is set for trial on the motion of the complainant, and thereupon Fleming H Shelton & Sarah J Shelton entered their appearance to the Bill, and it appearing that Martha Ann Burk & her husband Stephen Burk Polly Skeggs, John Skeggs, Manerva Skeggs, Relica Skeggs, and Elizabeth Skeggs, are infants therefore Henry J Morgan is appointed guardian Ad Litem for them, who thereupon accepted said appointment, and filed his answer for them, And by consent the following decree is rendered. It is adjudged ordered & decreed that the lands in the Bill & Exhibits mentioned, be partitioned between the complainant, and the other heirs of Jeremiah Skeggs named in the Bill, except Shelton & wife, they having sold & conveyed their interest to the complainant. Their share is to be laid out to him, Gar Builey, David Cox, & John Benson are appointed commissioners to make said partition. They are ordered to give to the parties except Shelton & wife reasonable notice of the time they will execute this decree after which they will proceed to divide the said lands in the Bill mentioned into seven Equal lots or shares, in value having due regard to quality & quantity, and



when so divided they will then proceed to allot  
to the complainant one share, and to Martha  
Ann Brink one share and to Polly Skeggs  
one share, and to John Skeggs one share  
and to Mary Skeggs one share and to Rebecca  
Skeggs one share and to Elizabeth Skeggs  
one share, it is agreed that Dixon Shelton  
has bought the complainant's interest &  
is entitled to his share & that said Shelton  
owns other lands adjoining the lands  
to be partitioned. Therefore the said commis-  
sioners are ordered to, if it can be done  
without prejudice to the rights of the  
other cotenants, lay out the lot of the  
complainant adjoining to the lands  
of the said Dixon Shelton. The said  
commissioners are required to make a  
plain plat of the whole lands divided  
and also a plan showing the several  
lots or shares herein required to be  
laid out and the meets and bounds  
thereof, and report plainly, to which  
of said ~~contenants~~ lots are allotted  
each tenant to which they may allot  
it. It is further adjudged decreed  
or ordered that the complainant's box  
is entitled to receive of the guardians  
John Skeggs, William Andris & Samuel  
Brink, the one seventh part of the rents for  
which the lands rented for the years  
it has been rented since the complainant  
bought the share of Shelton & wife, sub-  
ject to a credit however for one seventh

of the needful & necessary repairs made by the  
guardians thereon. It is therefore ordered &  
decreed that the said commissioners herein  
before named, after giving the parties  
herein before named except Shelton & wife  
<sup>one notice</sup> proceed to ascertain, in what year the com-  
plainant bought the interest of Shelton  
& wife, then ascertain what rents has  
fallen due on said lands since the  
complainant bought said interest  
and report the same, then they will  
ascertain & report what the guardians  
have expended for necessary repairs  
to the said lands since the complainant  
bought the share of Shelton & wife, or  
if he bought it after it had been rented  
& before the rent fell due, and any  
repairs was made in the years he bought  
it, after it was rented & before he  
bought it, to ascertain & report how  
much, to enable them to execute this  
decree, they have power given them to  
summon such witnesses as either party may  
require or as they may think material  
and to swear them & force them to give  
evidence touching the premises, and  
they also have power to summon anyone  
having any deed or other writing in  
his possession, that is material and  
pertinent, to produce before them  
the same, and they have power hereby  
given them to do all acts, necessary  
to be done to enable them fully to



discharge the duties herein required of  
them to be done, and this course is  
continued

Act of Gov

15 Decree

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Perennial the 800  
et al



Virginia,

A Court of Quarter-Sessions continued and held for Lee County, at the Courthouse thereof, on Friday, the 21st day of August 1868.

Joel S. Cox ----- Plff  
against  
Jeremiah Scaggs' heirs et als. Defts

In Chy.

This Cause is set for trial on the motion of the Com-plainant, and thereupon Flemming F. Shelton and Sarah J. Shelton entered their appearance to the Bill, and it appearing that Martha Ann Burke and her husband Stephen Burke, Polly Skaggs, John Scaggs, Minerva Scaggs, Rebecca Scaggs, and Elizabeth Scaggs are infants, therefore Henry J. Morgan is appointed Guardian ad litem for them, who thereupon accepted said appoint-ment, and filed his answer for them. And by consent the following decree is rendered: It is adjudged, order-ed, and decreed that the lands in the Bill and Exhibits mentioned be partitioned between the Complainant, and the other heirs of Jeremiah Scaggs named in the Bill except Shelton and wife, they having sold and conveyed their interest to the Complainant their share is to be laid out to him - Barr Bailey, David Cox, and John Reaser are appointed Commissioners to make said partition they are ordered to give to the parties, except Shelton and wife, reasonable notice of the time they will execute this decree, after which they will proceed to divide the said lands in the Bill mentioned into seven equal lots or shares in value, having due regard to quality and quantity, and when so divided they will then proceed to allot to Complainant one share, and to Martha Ann Burke one share, and to Polly Skaggs one share, and



and to John Scagg one share, and to Minerva Scagg one share, and to Rebecca Scagg one share, and to Elizabeth Scagg one share. It is agreed that Dixon S. Linton has bought Complainant's interest and is entitled to his share, and that said Linton owns other lands adjoining the land to be partitioned, therefore the said Commissioners are ordered to, (if it can be done without prejudice to the other Cotenants) lay out the lot of the Complainant adjoining to the lands of the said Dixon S. Linton, and if it can be done without prejudice to the other heirs, the share of the youngest heir Elizabeth is to be laid out adjoining her mother's dower. The said Commissioners are required to make a plain plat of the whole land divided, and also shewing the several lots or shares herein required to be laid out, and the metes and bounds thereof, and report plainly which of said lots are allotted to each tenant to which they may allot it. It is further adjudged, decreed, and ordered that the Complainant Cox is entitled to receive of the Guardians John Scagg, William Andre, and Samuel Burke the one seventh part of the rents for which the lands rented for the years it has been rented since the Complainant bought the share of Shelton and wife, subject to a credit, however, for one seventh of the necessary, and needful repairs made by the Guardians thereon. It is therefore ordered and decreed that the said Commissioners, herein before named, after giving the parties hereinbefore named, except Shelton and wife, due notice, do proceed to ascertain in what year the Complainant bought the share of Shelton and wife; then ascertain what rents have fallen due on said land since the Complainant bought said interest and report the same, then they will ascertain and report what the Guardians have expended for necessary repairs to the said land.

land, since the Complainant bought the share of Shelton and wife, or if he bought it after it had been rented and before the rent fell due, and if any repairs were made in the year he bought it, after it was rented and before he bought it, to ascertain and report how much; to enable them to execute this decree they have power given them to summon such witnesses as either party may require. as they may think material, and to swear them and force them to give evidence touching the premises, and they also have power to summon any one having a deed, or other writing in his possession, that is material and pertinent, to produce before them the same, and they have power hereby given them to do all acts necessary to be done to enable them fully to discharge the duties herein required of them to be done, and this Cause is continued.

A copy -

Leche Henry J. Morgan Clerk



1.50

1.50

3.50

7.00

Joel S. Cox

vs. } Copy of Decree of  
      } Court at Aug. Term 1868.

Jeremiah Scagg's Heirs et al.

Exon to a car. The 12 day

of September 1868 at true

copy for ~~James~~ Carr Radley

John Kasser David Carr

by J. W. Scott & S

Recorded in Deed Book

No. 15, page 638.



Virginia,

At a Court of Quarter-Sessions convened  
and held for Lee County, at the Courthouse thereof,  
on Friday, the 21st day of August 1868.

Joel S. Cox

Plff

against

In Chiq.

Jeremiah Scaggs Heirs et al. - Defendants

This cause is set for trial on the motion of the Com-  
plainant, and thereupon F. L. Shelton, and  
Sarah J. Shelton entered their appearance to the Bill, and  
it appearing that Martha Ann Burke, and her husband  
Stephen Burke, Polly Scaggs, John Scaggs, Minerva  
Scaggs, Rebecca Scaggs, and Elizabeth Scaggs are  
infants, therefore Henry J. Morgan is appointed Guard-  
ian ad litem for them, who thereupon accepted said  
appointment and filed his answer for them. And by con-  
sent the following decree is rendered: It is adjudged,  
ordered, and decreed that the land in the Bill and  
Exhibits mentioned be partitioned between the Complain-  
ant and the other heirs of Jeremiah Scaggs named in  
the Bill, except Shelton and wife - they having sold  
and conveyed their interest to the Complainant their  
share is to be laid out to him - Carr Bailey, David  
Cox, and John Reesor are appointed Commis-  
sioners to make said partition, they are ordered to give  
to the parties, except Shelton and wife, reasonable no-  
tice of the time they will execute this decree, after-  
which they will proceed to divide the said land in  
the Bill mentioned into seven equal parts or shares  
in value, having due regard to quality and quantity,  
and when so divided they will then proceed to allot  
to Complainant one share, and to Martha Ann Burke  
one share, and to Polly Scaggs one share, and



and to John Scaggs one share, and to Minerva Scaggs one share, and to Rebecca Scaggs one share, and to Elizabeth Scaggs one share. It is agreed that Dixon S. Titton has bought Complainant's interest, and is entitled to his share, and that said Titton owns other lands adjoining the lands to be partitioned, therefore the said Commissioners are ordered to (if it can be done without prejudice to the other Co-tenants) lay out the lot of the Complainant adjoining to the lands of the said Dixon S. Titton, and if it can be done without prejudice to the other heirs, the share of the youngest heir Elizabeth is to be laid out adjoining her mother's dower. The said Commissioners are required to make a plain plat of the whole lands divided, and also shewing the several lots or shares herein required to be laid out, and the metes and bounds thereof, and to report plainly which of said lots are allotted to each tenant, to which they may allot it. It is further adjudged, decreed, and ordered that the Complainant Cox is entitled to receive of the Guardians John Scaggs, William Andre, and Samuel Burke the one seventh part of the rents for which the lands rented for the years it has been rented, since the Complainant bought the share of Shelton and wife - subject to a credit, however, for one seventh of the needful and necessary repairs made by the Guardians thereon. It is therefore ordered and decreed that the said Commissioners, hereinbefore named, after giving the parties hereinbefore named, except Shelton and wife, due notice, do proceed to ascertain in what year Complainant bought the share of Shelton and wife; then ascertain what rents have fallen due on said lands since the Complainant bought said interest and report the same; then they will ascertain and report what the Guardians have expended for necessary repairs to the said lands

lands, since the Complainant bought the share of Shelton & wife, or if he bought it after it had been rented and before the rent fell due; and if any repairs were made in the year he bought it, after it was rented, and before he bought it, to ascertain and report how much; to enable them to execute this Decree they have power given them to summon such witnesses as either party may require or as they may think material, and to swear them, and force them to give evidence touching the premises, and they also have power to summon any one having any deed, or other writing in his possession, that is material and pertinent, to produce before them the same, and they have power hereby given to do all acts necessary to be done to enable them to discharge the duties herein required of them to be done, and this Cause is continued.

A Copy -

Lester Henry J. Morgan Clerk











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James L. Thompson, Sec or L

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c. 592



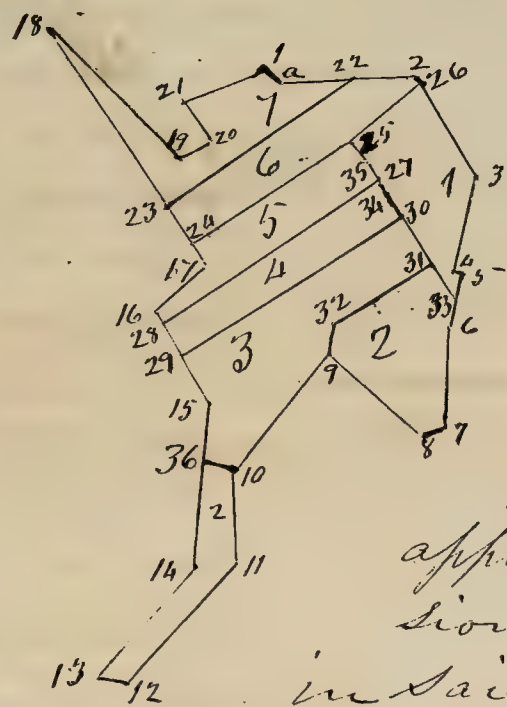
Jac. J. Cox  
opff. against  
Jeremiah Skaggs  
heirs <sup>et al</sup> Defts  
Commissioners Plat  
& Report of Partition  
of the lands &c.

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Filed Oct 19<sup>th</sup> 1868.  
H. J. Morgan C. C.

Recorded in Deed Book  
No 15 pages 639, 640, 641 & 642  
H. J. Morgan C. C.





Joel S. Cox plff. against  
Jeremiah Skaggs' Heirs et als.  
Defts. In Chancery.

Pursuant to a decree of  
the County Court of  
Lee County rendered  
21<sup>st</sup> day of August 1868,

in the above named Cause,  
the undersigned who were  
appointed by said decree commis-  
sioners, for the purposes named

in said decree, have executed  
said decree and beg leave to report: first  
we have partitioned the land in the Bill  
and the exhibits mentioned, between the Court  
and the other heirs of Jeremiah Skaggs named  
in the Bill, except Shelton and wife - they having  
sold and conveyed their interest to the complainant.  
We <sup>have</sup> divided said land in the Bill mentioned,  
into seven equal parts, or shares in value,  
having due regard to quality and quantity.  
And we have allotted to the complainant,  
for the benefit of Dixon S. Litton, who it is  
agreed has bought the <sup>one share which is designated, viz.</sup> complainant's interest,  
and is entitled to his share, lot No. 1 which is  
bounded as follows to wit. Beginning at a beech  
& hickory corner to said Litton's land & with line  
thereof N 78° W 53 poles to a stake; thence due South  
1 pole to a stake; thence N 76½° W 9½ poles to a stake in  
the Road; thence N 56° E 66 poles up a branch & dividing  
the same to a stake; thence N 64° E 19 poles to a stake in  
said Road & with the same N 53° E 10 poles to a stake  
thence S 40° E 46 poles to a stake on said Litton's line  
& with the same S 60° W 56½ poles to the beginning  
containing 20 acres be the same more or less. See Fig. 3, 4, 5, 33,  
34, 35, 25, 26, 3.



And we have allotted to Martha Ann Burke one share which is designated as lot No. 2 <sup>ye</sup> which <sup>lot 1 & 2</sup> is bounded as follows to wit: Beginning at a stake corner to lot No. 3, & with line thereof N 34 W 37 poles to a poplar on a plot thence N 68 W 24 poles to a stake corner to Hobbs land & with line of the same S 40 W 64 poles to a white oak stump & Rock thence S 24 E 9 1/2 poles to a stake corner to Dixon S. Littor's land & with line thereof S 88 E 54 poles to a stake thence S 76 1/2 E 19 1/2 poles to a stake corner to lot No. 1, & with a line thereof N 56 E 18 poles to the beginning containing 18 acres be the same more or less. See Fig. 31, 32, 9, 8, 7, 6, 35, 31. And we have allotted to the said Martha Ann Burke an other piece of land which is represented by Fig. 10, 11, 12, 14, 36, 10 & is bounded as follows to wit: Beginning at a beech & hickory corner to lot No. 3, & also corner to Hobbs land & with line of the latter N 86 W 50 poles to a hickory & maple N 51 W 80 poles to a stake corner to James Hagan's land & with a line thereof North 13 poles to a gum near the Holt field, on Dixon S. Littor's line & with the same S 51 E 60 poles to a chestnut & white oak thence S 86 E 70 poles to a stake corner to lot No. 3, & with a line of the same due South 13 poles to the beginning, containing 9 acres be the same more or less. And we have allotted to Polly Skaggs one share which is designated as lot No. 3, which is bounded as follows to wit: Beginning at a stake corner to lot No. 2, & on a line of lot No. 1, & with the same N 56 E 26 poles to a stake corner to lot No. 4, & with a line of the same N 34 W 140 poles to a stake on Hobbs line & with line thereof S 70 W 22 poles to 3 poplars on a hill side above the head of a spring, N 86 W 30 poles to a stake corner to part of lot No. 2, & with a line of the same due South 13 poles to a beech & hickory

corner to said Hobbs land & with a line of the same S 51 E 78 poles to a stake corner to lot No. 2, & with line thereof S 68 E 24 poles to a poplar on a plot thence S 34 E 57 poles to the beginning containing 38 acres be the same more or less. See Fig. 31, 30, 29, 15, 36, 10, 9, 32, 31. And we have allotted to John Skaggs one share which is designated as lot No. 4 which is bounded as follows to wit: Beginning at a stake corner to lot No. 3, & on a line of lot No. 1, & with the same N 56 E 22 poles to a stake thence N 64 E 3 poles to a stake corner to lot No. 5, & with a line of the same N 34 W 140 poles to a stake on Hobbs line & with the same S 70 W 25 poles to a stake corner to lot No. 3, & with a line of the same S 34 E 140 poles to the beginning, containing 20 acres be the same more or less. See Fig. 30, 34, 27, 28, 29, 30. And we have allotted to Rebecca Skaggs one share which is designated as lot No. 5 which is bounded as follows to wit: Beginning at a stake corner to lot No. 4, & on a line of lot No. 1, & with line of the same N 64 E 16 poles to a stake thence N 53 E 10 poles to a stake corner to lot No. 1, & lot No. 6, & with a line of the latter N 35 W 100 poles to a stake on the crab tree line near where Ab. Whismore now lives & with said crab tree line S 53 W 18 poles to a stake corner to a survey made in the name of Hiram Davis & with line thereof N 45 W 34 poles to a stake thence S 70 W 8 poles to a stake corner to lot No. 4, & with a line thereof S 34 E 140 poles to the beginning, containing 16 acres be the same more or less. See Fig. 27, 35, 25, 24, 17, 16, 28, 27. And we have allotted to Merewal Skaggs one share which is designated as lot No. 6 which is



Bounded as follows to wit: Beginning at a stake on the widow's downline & corner to lot No. 7, & with a line of the latter N 35 W 120 poles to a stake on the Crabtree line near the top of a spur thence with the said Crabtree line S 55 W 25 poles to a stake near where Ab. Whisman now lives, corner to lot No. 5 & with a line of the same S 35 E 100 poles to a stake corner to lot No. 5 & lot No. 1, & with a line of the latter S 40 E 46 poles to a stake on Dixon S. Litton's line & with the same N 60 E 3 1/2 poles to a stake corner to the said downline & with <sup>alive</sup> of the latter North 32 poles to the beginning. Containing 17 acres be the same more or less. See figs. 22, 23, 24, 26, 26, 2, 22.

And we have allotted to Elizabeth Skaggs one share, which is designated as lot No. 7, which is bounded as follows to wit: Beginning at a bush on the East side of the Big branch corner to the widow's downline & with a line thereof S 25 E 16 poles to a hickory stump by said branch thence N 48 E 23 poles to a bush thence S 21 E 46 poles to a stake in the road, where the branch crosses the same thence due South

42 poles to a stake corner to lot No. 6 & with a line of the same N 35 W 120 poles to a stake near the top of a spur on the Crabtree line & with said line N 55 E 115 poles to a stake corner to said widow's downline & with a line of the same S 46 W 95 poles to the beginning. Containing 24 acres be the same more or less. See figs. 19, 20, 21, 1, & 22, 23, 18, 19. There being no spring water on lots No. 1, 2, 3, & 6. The owner or tenants of said lots shall have

the right and privilege to use water as follows: The owner or tenants of lot No. 1, to use water from a spring on lot No. 4, where John Willis now lives. And the owner or tenants of lots No. 2 & 3 to use water from said spring or a spring that was assigned to Jeremiah Skaggs his heirs & assigns William Hobbs Estate, or both. And the owner or tenants of lot No. 6, to use water from a spring on lot No. 5 near where Ab. Whisman now lives. It being represented to us by good authority that Jeremiah Skaggs in his lifetime purchased from Dixon S. Litton, small portions of lots No. 1 & 2, and that he never obtained legal title for the same. Next the said Litton acknowledges that he sold him (Skaggs) the land and received the purchase money for the same, and we have <sup>there</sup> this land in to account in the partition, and we consider it as rightfully belonging to the said Jeremiah Skaggs estate. The portions thus purchased are represented on the diagram thus: from the point 4 a straight line to 8, and a round by 7, 6, 5, & to 4 again making two small triangles. They both coming to a point at the point 6. The line as it originally ran between the said Litton and said Skaggs was straight from the point 4 to 8 or rather from 3, to 8. We are informed that there are no writings of any sort between the parties in relation to said land, and that it was merely a verbal contract between them.

And in relation to the rents of the lands we have ascertained <sup>that</sup> the Plaintiffs have purchased the share of Shelton and wife in the fall



All of which is respectfully submitted

Car & Bailey }  
David Cook } Comm.  
John Reaso }

Car & Bailey Survey at Cambridge New \$32.34  
David Cook Commission - 5 days \$2.00  
John Reaso Commission - 5 days \$2.00  
Fretland's Hotel - Cambridge 1 day 10.00  
Fretland's Hotel - Cambridge 1 day 1.00  
Fretland's Hotel - Cambridge 1 day 1.00  
Fretland's Hotel - Cambridge 1 day 1.00

All of which is, Respectedly,  
 Carr Bailey Surveyor Commissioner fees \$32.34  
 David Cox Commissioner 5 days \$2. per day 10.00  
 John Pease Commissioner 5 days - - - 10.00  
 Contributed to the chain coming 1 day - - - 1.00  
 Thomas J. Smith chain coming 1 day - - - 1.00  
 W. H. Brown chain coming 1 day - - - 1.00



Virginia,

At Rules held in the Clerk's Office of the Court, County,  
Lee County, on Monday, the 4th day of May, 1861.

Joel S. Cox ----- Plff

against

Mourning Audis, John Audis, Sarah J. Shelton,  
Flemming Shelton, Martha Ann Burke, Stephen  
Burke, Samuel Burke, Polly Scagg, John Scagg, Jr.,  
Minerva Scagg, Rebecca Scagg, Elizabeth  
Scagg, and John Scagg Sr. -----

defts

Indyancer

The objects of this suit are to obtain partition of the lands in the  
Bill mentioned, and that the defendants John Audis, John Scagg  
Sr., and Samuel Burke, Guardians for the infant defendants,  
be decreed to pay to the plaintiff any sum they may receive  
from the rents and profits of the lands in the Bill mentioned.  
And it appearing from an affidavit filed in this  
cause that Flemming Shelton and wife are non-residents  
of this Commonwealth, they are therefore ordered to appear  
here within one month after due publication of this order,  
and do what is necessary to protect their interest in this suit.

A copy -

Teste - Henry J. Bell, in L. C. C.



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The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING :

WE COMMAND YOU TO SUMMON *Elizabeth Scaggs*

to appear before the Justices of our County Court for Lee county, at the Court House,  
in the Clerk's office, at Rules to be holden for the said Court, on the *first* Monday  
in *June* next, to answer *a Bill in Chancery ex-*  
*hibited in our said Court against them by J. L.*  
*S. Cox*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said  
Court, at the Court House, this *6th* day of *May* 186*8*, in  
the *9th* year of the Commonwealth.

*Henry J. Morgan* Clerk.



Joel S. Cox  
vs. } Spa in Chy.  
}

Elizabeth Scaggs  
June Rules 1868.

Executed on Elizabeth Scaggs  
by delivering an attested office  
copy of the within Spa to John  
McAndis her Guardian, she being  
absent.

J. W. Orr, & Co.



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

<sup>again</sup>  
WE COMMAND YOU TO SUMMON Mourning Andis, John Andis, Sarah J. Shelton, Fleming F. Shelton, Martha Ann Burke, Stephen Burke, Polly Scagg, John Scagg Jr., Minerva Scagg, Rebecca Scagg, John Scagg Sr., and Samuel Burk, and Elizabeth Scagg.

to appear before the Justices of our County Court for Lee county, at the Court House, in the Clerk's office, at Rules to be holden for the said Court, on the <sup>first</sup> Monday in ~~May~~ <sup>May</sup> next, to answer <sup>a Bill in Chancery exhibited</sup> in our said Court against them by Joel S. Cox.

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said Court, at the Court House, this <sup>6<sup>th</sup></sup> day of <sup>May</sup> 186 <sup>8</sup>, in the <sup>9<sup>th</sup></sup> year of the Commonwealth.

Henry J. Morgan—Clerk.



Joel D Cox

vs. } Alias Spa. in Chy.  
Martha Ann Burk et als.  
~~vs. William Burk et als.~~

June Rules 1868

Executed on Martha Ann Burk  
by delivering <sup>to her</sup> an attested office  
copy of the within writ.

Executed on Stephen Burk &  
Samuel Burk by leaving an at-  
tested office copy for each of them  
with their wives, and explaining  
the same to them. They being  
absent. June 1st 1868.

W Orr, D.C.



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Mourning Anderson, John Anderson,  
Sarah J. Shelton, Flemming F. Shelton, Martha Ann  
Burk, Stephen Burk, Polly Skeggs, John Skeggs Jr,  
Minerva Skeggs, Rebecca Skeggs, John Skeggs Sr,  
and Samuel Burk*

to appear before the Justices of our County Court for Lee county, at the Court House,  
in the Clerk's office, at Rules to be holden for the said Court, on the *first* Monday  
in *May* next, to answer *a Bill in Chancery ex-*  
*hibited in our said Court against them by Joel*  
*S. Cox*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said  
Court, at the Court House, this *30th* day of *March* 1868, in  
the *9th* year of the Commonwealth.

*Henry J. Morgan* Clerk.







The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Mourning Audis, John Audis,  
Sarah J. Shelton, Flemming F. Shelton, Martha  
Ann Burk, Stephen Burk, Polly Skeggs, John  
Skeggs Jr, Minerva Skeggs, Rebecca Skeggs, John  
Skeggs Sr. and Samuel Burk*

to appear before the Justices of our County Court for Lee county, at the Court House,  
in the Clerk's office, at Rules to be holden for the said Court, on the *first*-Monday  
in *May* next, to answer *a Bill in Chancery ex-*  
*hibited in our said Court against them by*  
*Joel S. Cox*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said  
Court, at the Court House, this *30th* day of *March* 1868, in  
the *92nd* year of the Commonwealth.

*Attest Henry J. Morgan Clerk.*  
*Teste Henry J. Morgan Clerk.*



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Mourning Audis, John Audis,  
Sarah J. Shelton, Flemming F. Shelton, Martha  
Ann Burk, Stephen Burk, Polly Skeggs, John  
Skeggs Jr, Minerva Skeggs, Rebecca Skeggs, John  
Skeggs Sr and Samuel Burk*

to appear before the Justices of our County Court for Lee county, at the Court House,  
in the Clerk's office, at Rules to be holden for the said Court, on the *first* Monday  
in *May* next, to answer a *Bill in Chancery ex-*  
*hibited in our said Court against them by*  
*Joel S. Cox*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said  
Court, at the Court House, this *30th* day of *March* 1868, in  
the *9th* year of the Commonwealth.

*A copy - Henry J. Morgan* Clerk.  
*Teste - Henry J. Morgan - Clerk*



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Mourning Andis, John Andis,  
Sarah J. Shelton, Flemming F. Shelton, Martha  
Ann Burk, Stephen Burk, Polly Skeggs, John Skeggs,  
Minerva Skeggs, Rebecca Skeggs, John Skeggs Jr.,  
and Samuel C Burk*

to appear before the Justices of our County Court for Lee county, at the Court House,  
in the Clerk's office, at Rules to be holden for the said Court, on the *first* Monday  
in *May*— next, to answer a *Bill in Chancery ex-*  
*hibited in our said Court against them by*  
*Joel B. Cox*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said  
Court, at the Court House, this *30th* day of *March* 1868, in  
the *92nd* year of the Commonwealth.

*Attest Henry J. Morgan Clerk.*  
*Teste Henry J. Morgan Clerk.*



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Mourning Audis, John Audis,  
Sarah J. Shelton, Flemming F. Shelton, Martha  
Ann Burk, Stephen Burk, Polly Skeggs, John Skeggs Jr.,  
Minerva Skeggs, Rebecca Skeggs, John Skeggs Sr. and  
Samuel Burk*

to appear before the Justices of our County Court for Lee county, at the Court House,  
in the Clerk's office, at Rules to be holden for the said Court, on the *first*-Monday  
in *May* next, to answer a *Bill in Chancery ex-*  
*-hibited in our said Court against them by*  
*Joel S. Cox*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said  
Court, at the Court House, this *30th* day of *March* 1868, in  
the *92nd* year of the Commonwealth.

*A copy-* *Henry J. Morgan* Clerk.  
*Lester Henry J. Morgan* Clerk.



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING!

WE COMMAND YOU TO SUMMON

*Mourning Audis, John Audis,  
Sarah J. Shelton, Fleming F. Shelton, Martha  
Ann Burk, Stephen Burk, Polly Sheggs, John  
Sheggs Jr, Minerva Sheggs, Rebecca Sheggs, John  
Sheggs Sr and Samuel Burk*

to appear before the Justices of our County Court for Lee county, at the Court House,  
in the Clerk's office, at Rules to be holden for the said Court, on the *first*-Monday  
in *May* next, to answer a *Bill in Chancery ex-*  
*hibited in our said Court against them by*  
*Joel S. Cox*

And have then there this writ. WITNESS, HENRY J. MORGAN, Clerk of our said  
Court, at the Court House, this *30th* day of *March* 1868, in  
the *9 2nd* year of the Commonwealth.

*Attest - Henry J. Morgan - Clerk.*  
*Teste - Henry J. Morgan - Clerk.*



# VIRGINIA:

WASHINGTON COUNTY, TO WIT:

I do hereby certify that the annexed Notice has been published  
four weeks successively, ending *June 12<sup>th</sup>* 1868,  
in the "ABINGDON VIRGINIAN," a newspaper published in the  
town of Abingdon, Va. Given under my hand this *24<sup>th</sup>*  
day of *June*, 1868.

*Geo. O. Barr,*  
*Jr. Ed. "Virginian"*

**VIRGINIA**—At Rules held in the Clerk's  
office of the County Court of Lee county,  
on Monday, the 4th day of May, 1868:

Joel S. Con, Complainant,  
AGAINST  
Mourning Andis, John Andis, Sarah J. Shel-  
ton, Flemming F. Shelton, Martha Ann  
Burke, Stephen Burke, Samuel Burke,  
Polly Scaggs, John Scaggs, jr., Minerva  
Scaggs, Rebecca Scaggs, Elizabeth Scaggs,  
and John Scaggs, sr., Defendants.

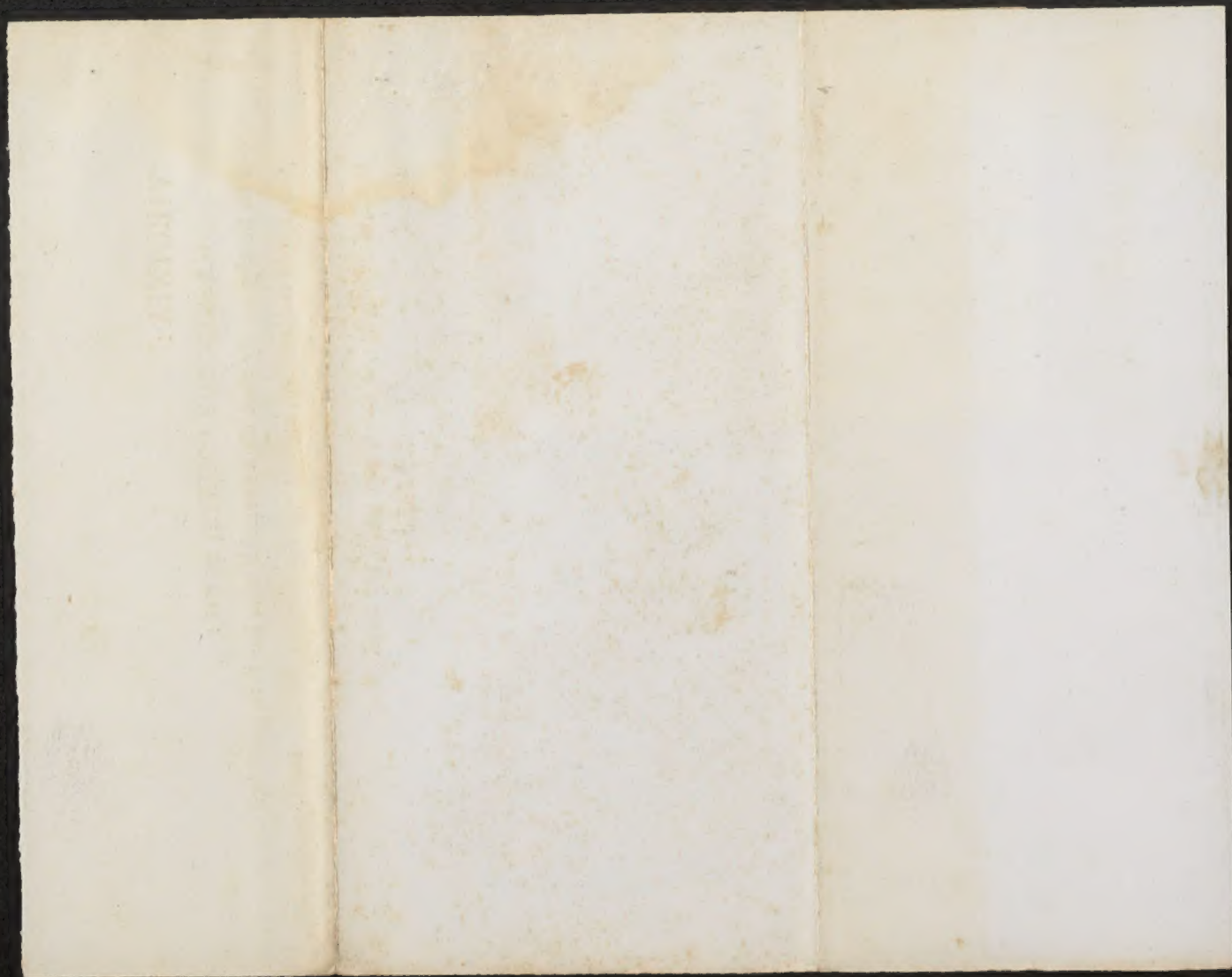
## IN CHANCERY.

The objects of this suit are to obtain par-  
tition of the lands in the Bill mentioned, and  
that the defendants John Andis, John  
Scaggs, sr., and Samuel Burke, Guardians  
for the infants defendants, be decreed to  
pay to the plaintiff any sum they may owe  
him for the rents and profits of the land in  
the bill mentioned. And it appearing from  
an affidavit filed in this cause, that Flem-  
ming Shelton and wife are non-residents of  
this Commonwealth, they are, therefore,  
ordered to appear within one month after  
due publication of this order, and do what is  
necessary to protect their interest in this  
suit. A Copy.—Teste,

HENRY J. MORGAN, Ck.

May 22, 1868—4w







## VIRGINIA:

WASHINGTON COUNTY, TO WIT:

I do hereby certify that the annexed Notice has been published  
four weeks successively, ending *August 21<sup>st</sup>* 1868,  
in the "ABINGDON VIRGINIAN," a newspaper published in the  
town of Abingdon, Va. Given under my hand this *22<sup>nd</sup>*  
day of *August*, 1868.

*Geo. R. Barr,*  
*Jr. Ed. "Virginian",*

**VIRGINIA:**—At Rules held in the Clerk's  
office of the County Court of Lee county, on  
Monday, the 4th day of May, 1868:

Joel S. Cox,

Complainant,

AGAINST

Mourning Andis, John Andis, Sarah J. Shelton,  
Flemming F. Shelton, Martha Ann Burke, Ste-  
phen Burke, Samuel Burke, Polly Scaggs, John  
Scaggs, Jr., Minerva Scaggs, Rebecca Scaggs,  
Elizabeth Scaggs, and John Scaggs, sr., Defts.

### IN CHANCERY.

The objects of this suit are to obtain partition of  
the lands in the Bill mentioned, and that the de-  
fendants John Andis, John Scaggs, sr., and Samuel  
Burke, Guardians for the infants defendants, be de-  
creed to pay to the plaintiff any sum they may owe  
him for the rents and profits of the land in the bill  
mentioned. And it appearing from an affidavit  
filed in this cause, that Flemming Shelton and wife  
are non-residents of this Commonwealth, they are,  
therefore, ordered to appear within one month af-  
ter due publication of this order, and do what is ne-  
cessary to protect their interest in this suit.

A Copy.—Teste,

HENRY J. MORGAN, CLK.

July 31, 1868.—4w



Jack S. Cox